

Sixth Appellate District

San Jose, California

MONDAY, APRIL 19, 2004

H022775 PEOPLE v. LAZALDE

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated February 11, 2004, is hereby vacated. The matter will be set for oral argument on a date and time to be advised.

Dated: April 19, 2004

Premo, Acting P.J.

H026036 PEOPLE v. RAMIREZ

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Rushing, P.J., Premo, J.)
Filed April 19, 2004

H026027 RASMUSSEN v. BUZME.COM

The order is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J.,
Wunderlich, J.)
Filed April 19, 2004

H026307 PEOPLE v. FERNANDEZ

The judgment is modified to reflect a restitution fine pursuant to Penal Code section 1202.4, subdivision (b) in the amount of \$200 and a parole revocation fine pursuant to Penal Code section 1202.45 in the amount of \$200, the latter to be suspended unless defendant's parole is revoked. The Superior Court is directed to prepare an amended abstract of judgment reflecting these modifications and to forward a copy of the amended abstract to the Department of Corrections. As modified the judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed April 19, 2004

H025695 PEOPLE v. BADUE

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J.,
Wunderlich, J.)
Filed April 19, 2004

Sixth Appellate District

San Jose, California

Monday, April 19, 2004 (continued)

H026437 PEOPLE v. PARKER

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated March 9, 2004, is hereby vacated. The court by separate letter issued March 19, 2004, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: April 19, 2004 Bamattre-Manoukian, Acting P.J.

H025384 TERMAAT v. SCHROPP

The orders of October 18, 2002, and October 23, 2002, denying husband's motion to set aside court orders on the grounds of fraud and transferring jurisdiction of child custody issues to Arizona, are affirmed. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed April 19, 2004

H025655 PEOPLE v. KYMANI Y.

The jurisdiction order is affirmed. The disposition order is modified to reflect a maximum period of confinement of eight years. The Monterey County Juvenile Court is directed to vacate its original order and enter a new and different order reflecting this modification. As modified, the disposition order is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed April 19, 2004

TUESDAY, APRIL 20, 2004

H026223 NAVA JR., et al. v. MERCURY CASUALTY COMPANY

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 20, 2004

H024532 CRABB, et al. v. FORTE

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed April 20, 2004

Sixth Appellate District

San Jose, California

Tuesday, April 20, 2004 (continued)

H024924 JACOBS, JR. v. LAWLER, et al.

The order re special motions to strike is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 20, 2004

H025333 JACOBS, JR. v. LAWLER, et al.

The judgment (Clark & Korda) is affirmed. The judgment following motion to strike SLAPP suit and award of attorney's fees (Lawler) is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 20, 2004

H025583 JACOBS, JR. v. ROPERS, MAJESKI, KOHN & BENTLEY, et al.

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 20, 2004

IN THE MATTER OF ASSIGNMENT OF THE HONORABLE BRIAN WALSH, TO SIT AS A JUSTICE OF THE COURT

BY THE COURT

It is ordered that the assignment of the Honorable Brian Walsh, Judge of the Santa Clara County Superior Court, to sit as a Justice of this court from May 1, 2004, to June 30, 2004, be spread upon the minutes in full.

Dated April 20, 2004

RUSHING, P.J.

H025783 PEOPLE v. GIPSON

H027155 In re LONNIE GIPSON on Habeas Corpus

The judgment is affirmed. The petition for a writ of habeas corpus is denied. (published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 20, 2004

H025889 PEOPLE v. VENTIMIGLIA

By the Court:

Appellant's motion to vacate submission for the purposes of further briefing is granted. The submission order filed April 7, 2004, is hereby vacated. The matter will be resubmitted upon oral argument or waiver thereof.

Dated: April 20, 2004

Bamattre-Manoukian, Acting P.J.

Sixth Appellate District

San Jose, California

Tuesday, April 20, 2004 (continued)

H025472 PEOPLE v. ZARAZUA

The judgment is reversed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed April 20, 2004

H025028 CORNISH & CAREY COMMERCIAL v. GUZIK

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J.,
Mihara, J.)
Filed April 20, 2004

WEDNESDAY, APRIL 21, 2004

H026730 PEOPLE v. KEY

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed April 21, 2004

H026397 Adoption of JEANNIE V.; JOY F., et al. v. JOSE V.
By the Court*:

Appellant's petition for rehearing is denied.
Filed: April 21, 2004
*Before Rushing, P.J., Premo, J. and Elia, J.

H024594 COURT HOUSE PLAZA COMPANY v. PATEL, et al.

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Bamattre-Manoukian, J.)
Filed April 21, 2004

H026431 CITY OF LOS ALTOS v. SUPERIOR COURT OF SANTA CLARA
COUNTY; BURNS, et al.

The petition for writ of mandate, prohibition or other
appropriate relief is denied. The stay order is vacated. Costs
are awarded to real parties in interest. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed April 21, 2004

H025760 MATTINA v. MCFADDIN

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed April 21, 2004

Sixth Appellate District

San Jose, California

Wednesday, April 21, 2004 (continued)

H024432 PEOPLE v. RAMIREZ

The judgment is reversed, and the matter is remanded solely for the trial court to resentence defendant on count 2. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed April 21, 2004

THURSDAY, APRIL 22, 2004

H025893 CASTRO v. CACERES

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 22, 2004

H026155 In re CRISCIONE ON Habeas Corpus

The superior court's June 27, 2003 order granting Criscione's petition for writ of habeas corpus and ordering his immediate release is reversed. The Governor's July 12, 2002 decision is reinstated. This court's July 3, 2003 order staying Criscione's release from prison shall dissolve upon issuance of the remittitur. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed April 22, 2004

H025885 FARMERS INSURANCE EXCHANGE v. GREER

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Premo, Acting P.J., McAdams, J.)

Filed April 22, 2004

H023805 BASOR, as Trustee., etc., et al. v. ROCHA, et al.

The judgment is reversed. The matter is remanded for the trial court to make findings as to the following: (1) whether defendants' conduct in increasing the natural and historic flow of surface water constituted an agricultural activity; and (2) if so, whether defendants' agricultural activities created a nuisance to which the farmer's defense is applicable. The parties are to bear their own costs. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed April 22, 2004

Sixth Appellate District

San Jose, California

FRIDAY, APRIL 23, 2004

H025537 PEOPLE v. ROBERTS

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Rushing, P.J., Premo, J.)
Filed April 23, 2004

H025799 PEOPLE v. ZAMORA

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed April 23, 2004

H025921 PEOPLE v. FARQUHARSON

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed April 23, 2004

H026866 PEOPLE v. BAINS

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)
Filed April 23, 2004